

Customer No.: 31561
Application No.: 10/709,179
Docket No.: 10544-US-PA

REMARKS

Present Status of Application

The Office Action dated December 13, 2007, rejected claims 15 and 18 under 35 USC§102(e) as being anticipated by Yang et al. (US Patent No. 6,861,763). Claims 16-17 and 19 were rejected under 35 USC§103(a) as being unpatentable over Yang in view of Akram (US Patent No. 6,861,763). Claim 20 was rejected under 35 USC§103(a) as being unpatentable over Yang in view of Koh (US Publication No. 2004/0135266).

Claims 15, 18-19 have been amended for providing more descriptions for clarification purposes. No new matter has been added to the application by the amendments made to the specification, claims and drawings. This Amendment is promptly filed to place the above-captioned case in condition for allowance. After entering the amendments and considering the following discussions, a notice of allowance is respectfully solicited. After entering the above amendments and considering the following discussions, a notice of allowance is respectfully solicited.

Discussion for 35 USC§102 and 103 rejections

Claims 15 and 18 were rejected under 35 USC§102(e) as being anticipated by Yang et al. (US Patent No. 6,861,763). Claims 16-17 and 19 were rejected under 35 USC§103(a) as being unpatentable over Yang in view of Akram (US Patent No. 6,861,763). Claim 20 was rejected under 35 USC§103(a) as being unpatentable over Yang in view of Koh (US Publication No. 2004/0135266).

Claim 15 has been amended to provide more descriptions for clarification

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purposes.

Applicants submit that independent claim 15 patently defines over the prior references for at least the reason that the cited art fails to disclose each and every feature as claimed in the present invention.

Yang merely discloses a stack type flip chip package.

The Office Action considered at least Yang's chip 120, pad 1261, pad 124, bump 140 being respectively comparable to the chip, bonding pad, bump pad and bump of this invention. Further, the Office Action alleged that Yang's top surface and bottom surface (in Figure 2) being equivalent to the active surface and the backside of chip in this invention.

Applicant respectfully disagrees with such allegation.

As clearly stated by Yang and shown in Figure 2, "the first chip 120 has an active surface 122 with a plurality of bump pads 24 thereon." (Col. 3, lines 6-8). Moreover, as emphasized by Yang, "The active surface 122 of the first chip 120 faces the substrate surface 112...." (col. 3, lines 9-11).

Clearly, the Office Action misconstrued Yang's backside surface 123 (top surface in Figure 2) as the active surface of this invention and Yang's active surface 122 (bottom surface in Figure 2) as the backside of this invention. To anyone skilled in this field, it is unmistakable that the active surface of the chip is totally different from the backside of the chip as the active surface may includes much more elements or sub-structures for further processing or connections.

In this case, the Yang reference lacks at least the feature "providing the chip with an active surface having at least a bonding pad thereon and the backside" as recited in

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claim 15. Moreover, Yang's layer 227 is clearly not disposed on the active surface of the chip, and should not be construed as the protective film of this invention.

In addition, the Yang reference fails to disclose "forming a passivation layer on the backside of the chip and forming a protective film on the active surface of the chip" as recited in amended claim 15.

Regarding claims 16-17, 19 and 20, the Office Action further relied on Akram or Koh for teaching the mask layer or using a wire-binding machine.

Claims 18-19 have been amended.

Regarding the rejection under 35 USC 103(a), the Applicants remark that the relied reference of Yang et al. (US Patent No. 6,861,763) and the present application were, at the time the invention was made, commonly owned by Advanced Semiconductor Engineering, Inc.. Pursuant to 35 USC 103(c), Yang et al. is therefore an improper prior art reference for rejection under 35 USC 103.

Applicants believe that the above statement alone is sufficient evidence to disqualify US Patent No. 6,861,763 (Yang et al.) from being used in a rejection under 35 U.S.C. 103(a) against the claims of Application 10/709,179.

Consequently, reconsideration and withdrawal of these 102 and 103 rejections are respectfully requested.

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In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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